

MEMORANDUM

1708

NATIONAL SECURITY COUNCIL

LIMITED OFFICIAL USE (GDS)ACTION

FBI REVIEWED 21-Dec-2010: NO OBJECTION TO DECLASSIFICATION

March 28, 1973

MEMORANDUM FOR:

GENERAL SCOWCROFT

FROM: REFER TO DOS

WILLIAM J. JORDEN

SUBJECT:

Status of Cuban Hijackers Case

Attached for your signature is a memo to Bruce Kehrli outlining the current status of the case of the two Cuban hijackers presently undergoing legal process in Florida. The memo notes that, because of their action in commandeering a Cuban vessel at gunpoint and forcing the other members of the crew to head for Mexico, the Cubans clearly fall under the terms of the recently signed hijacking agreement with Cuba. In accordance with the terms of that agreement, their case is being handled within the US legal system. Full details of the present status of the case are outlined in the attached memo.

RECOMMENDATION:

That you sign the memo to Bruce Kehrli

DOS REVIEWED 12-Jan-2011: NO OBJECTION TO DECLASSIFICATION

Attachment:

Tab I - Memo to Kehrli

REC'D FROM WH ON 6/13 FOR FILE.
NO INDICATION OF ORIGINATOR OR ADDRESSEE'S
FOLLOW UP ACTION, DISTR, OR DISTRIBUTION. _____

LIMITED OFFICIAL USE (GDS)

MEMORANDUM

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THE WHITE HOUSE

WASHINGTON

LIMITED OFFICIAL USE (GDS)

MEMORANDUM FOR: THE STAFF SECRETARY

FROM: GENERAL SCOWCROFT

SUBJECT: Status of Cuban Hijackers Case

On March 12 the U.S. Coast Guard responded to a request for assistance from a Cuban vessel, the Cayo Largo 96, off the coast of Florida with nine Cubans aboard. Two of the Cubans indicated they did not wish to return to Cuba. Subsequent interrogation of the crew by the FBI revealed that the two Cubans wishing to remain in the U.S. had at gunpoint commandeered the vessel and forced the other crewmembers to head for Mexico. The other seven crewmembers asked to return to Cuba and their return, together with that of the vessel, has been effected.

As a result of the use of force in commandeering the vessel, the two Cubans, in the judgment of legal experts at State, clearly fall under the terms of the recently signed hijacking agreement with Cuba. On March 14, the Cuban Government delivered through the Swiss Embassy in Havana a strongly worded note calling upon the U.S. to abide by the terms of that agreement. The agreement provides that anyone who forcibly hijacks an aircraft or vessel be either returned to the country in which that aircraft or vessel is registered (if it is registered in the U.S. or Cuba) or be prosecuted in accordance with the laws of the country in which they have arrived. The two Cubans are, in accordance with the terms of that agreement, now being processed under U.S. law.

The current status of the case is as follows: The Immigration and Naturalization Service (INS) has initiated deportation proceedings. In addition Justice has charged the two Cubans with illegal entry into the U.S. (a misdemeanor). The Cubans will appear March 29 before the Grand Jury in Miami for arraignment. Trial is set for April 6. A jury trial has been requested. The normal penalty, if convicted, would be up to six months imprisonment and \$500 in fines for each. INS plans to take no position on the deportation proceedings until after the U.S. court action on the case. It is expected that INS will find the two deportable but that no date for deportation will be set. This means that they will remain in the U.S. Should a date be set at some future time, the Cubans would have recourse to an appeal. At present both are free on \$5000 bail each.

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